

MINUTES OF THE MEETING OF THE
BAR- BENCH - MEDIA CONFERENCE

The seventh meeting of the Bar-Bench-Media Conference was held on Thursday, June 6, 1991 at 2:30 p.m. in the Delaware Supreme Court Conference Room in Wilmington. The meeting was open to the public. Notice of the meeting had been posted. No member of the public was in attendance. The members of the Conference in attendance were:

Members of the Print News Media

Ms. Rita K. Farrell
Ms. Judith Roales
Mr. John H. Taylor

Members from the Electronic News Media

Mr. Allan R. Loudell
Mr. Robert Mercer
Mr. Michael Sigman
Mr. William D. Osborne

Members from the Bench

Vice Chancellor Jack B. Jacobs
Judge Jay James
Judge Arthur F. DiSabatino

Members from the Bar

Howard M. Handelman, Esquire
Roderick McKelvie, Esquire
J. Dallas Winslow, Esquire

The meeting was opened by the Chairman, Howard M. Handelman. Ms. Linda Stoles, Bureau Chief of the Associated Press, was in attendance at the meeting. The minutes of the February 25, 1991 meeting were reviewed and were unanimously approved.

Rita Farrell raised the issues as to how to obtain access to police files and how to obtain a copy of a document that should be in a court file but cannot be found in the file. It was agreed

that access to police files was not an issue that the Conference could address. Judge DiSabatino said that documents in a court file are public records unless sealed by order of a court. If a document cannot be located in a court file, he suggested that a reporter or court clerk would have to trace the filing of a document from its point of origin. Particularly in criminal matters, it takes time for a document to get placed in a court file.

The proposed workshop was the next item for discussion. A firm date had not been established by the subcommittee for the workshop, but it appeared that September 27, 1991 would be the date at Clayton Hall, the Wilcastle Center, or the Radisson. It was reported that the program was developing well, and national speakers were being sought. No specific plans for invitations for attendees had been developed. The Committee did not think that oversubscription would be a problem. The Conference thought that each organization of the Conference would choose the number of attendees from its organization. Judith Roales was designated to organize the list of attendees for the print media with William Osborne organizing the electronic media list. Howard Handelman and Dallas Winslow were designated to organize the list of the attendees for the Bar. It was decided that contact with universities within Delaware should be made to see if journalism students would be interested in attending the workshop.

The question of whether the workshop should be open to the public was briefly discussed without decision. However, the media

representative offered to give public notice of the workshop. Rita Farrell said that she would notify police public information officers of the workshop.

The issue of security in the Public Building was discussed. The Public Building currently has 17 entrances and exits, but access will eventually be restricted to one entrance and exit with a security checkpoint. The idea of passes for media representatives to avoid delay at the security checkpoint was discussed. It was felt that the only way that security could be assured was to make all visitors, including lawyers, pass through the security system.

Rita Farrell asked the judges present at the meeting if they perceived any changes in attitudes or trends in the courts in light of recent United States Supreme Court cases, proposed legislation, and issues raised by decisions in other jurisdictions. Vice Chancellor Jacobs and Judge DiSabatino discussed that judges could not comment on any of these matters since the matters involved issues that they might have to decide. Judge DiSabatino did mention that alternate dispute resolution was a current trend in the courts. The increasing use and importance of plea bargaining was also discussed.

Judge DiSabatino asked the Conference to discuss the issue of whether the media should disclose the identity of a defendant or litigant who is HIV positive when that information was revealed in open court, particularly at sentencing. Judge DiSabatino said that the national policy as well as Chief Justice Christie's

Administrative Directive on HIV status recognized that any person has a right to privacy as to the disclosure of their AIDS status. The media representatives said that they had acted responsibly in this area and would continue to do so. However, each media organization said that they would approve the issue on a case-by-case basis.

The last item on the agenda was to elect new officers. John Taylor was elected Chairman. Vice Chancellor Jacobs was elected Vice Chairman. Bob Mercer was elected Secretary.

The next meeting of the Conference was scheduled for July 25, 1991 at 2:30 p.m. at the News-Journal.

Respectfully submitted,

Mary Pat Trustle
by Stephen D. Taylor

July 11, 1991